



TOWN OF  
STONEHAM  
MASSACHUSETTS  
Town Hall  
35 Central Street

Stoneham Conservation Commission  
781-279-2696

**STONEHAM CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**DECEMBER 14 2020**  
**REMOTE 7 PM**

**Please join meeting from your computer, tablet or smartphone.**

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**In attendance:** Ellen McBride, Bob Parsons, Rob Fotino, Dominic Cimina, Alex Rozycki, Norman L'Esperance and Jessica Gerke

**7:05pm**

**PUBLIC HEARING**

**11 South Marble**

*Adrian Poci*

The regulation of the flow of water in backyard, in and out of the channel, by replacing the old pipe and extending it along the entire length of the channel. Notice of Intent Continued

Motion by Alex Rozycki to continue until January 4, 2021 seconded by Rob Fotino

Roll Call yes Ellen McBride, Rob Fotino, Dominic Cimina, Bob Parsons, Alex Rozycki, Norman L'Esperance and Jessica Gerke 7/0

**Rear Hillside Ave.**

*Jim Juliano*

Construction of a new single family house with driveway and associated grading in the 100 foot buffer zone.

Notice of Intent continued/Request for Determination of Applicability continued.

Ellen McBride recuses herself. Bob Parsons invites Attorney Juliano and Gary Litchfield as applicant.

Mr. Juliano procedurally went before Planning Board for unimproved roadway and subdivision was approved as buildable lot. Property was on plan of land in early 1900s, lot has to have square footage and frontage on roadway. Went in front of Board of Appeals for variance to move out of no disturb zone, denied variance. Two plans were forwarded. Initial plan for filing on record. 25 foot no disturb recommendation to seek Town Counsel. First paragraph in bylaw speaks to 25 foot no disturb as applicable to wetlands as defined in Wetlands Protection Act and regulations 310 CMR. Not intended under Chapter 11 Stoneham wetlands in Attorney Juliano's interpretation. Specifically mentions 310 CMR after regulations to items protected under wetlands protection act. Isolated wetland as determined by Leah Basbanes and peer review agreed for Town of Stoneham, no definition referenced for isolated wetlands. 25 foot no disturb only under those under regulations and wetlands protection act. No definition in Chapter 11 or Chapter 23 Stoneham bylaw that defines isolated wetlands at state level. 25 foot disturb zone not applicable per Attorney Juliano. 11.3 of bylaw says in circumstances where there is a hardship area can be disturbed and Attorney Juliano claims it has been. This

broadens your jurisdiction as regulatory taking. Economic value of property is gone. In Stoneham 11.8 elimination or all or almost all of property's economic value. If denied by Conservation there is nothing that can go on property. Tried to move but was denied by Board of Appeals, and now will impinge on 25 foot no disturb zone. Emily Rotundi most impacted by property per Attorney Juliano.

Bob Parsons comments that plans have been sent. Language of bylaw intent with resource area speak to Town Counsel. Bylaw to protect resource areas, do consider this a resource area. This has been on the agenda for awhile. Within 25 foot no disturb, attempts denied by Board of Appeals, impact on buffer zone.

Alex Rozycki asks about more invasive plans. This plan is not more friendly for Conservation Commission and does not include changes. No disturb zone is the problem.

Jim Juliano mentions difficult for both boards. Needed zoning relief to move outside 25 foot, need to adhere to front and side setbacks. Effort was not with Conservation.

Alex Rozycki mentions NE corner of the house and retaining wall are within 25 foot.

Jim Juliano not allowing them to build would be a regulatory taking.

Bob Parsons asks if they own the lot?

Alex Rozycki asks the current value of property?

Jim Juliano states buildable lot according to Planning Board. 25 foot no disturb would not allow them to build. House will be 1600 square feet, it is a small house.

Bob Parsons mentions Jim Juliano may have been on the board when the bylaw was written. Resource area is taken very seriously. Intent of bylaw to protect resource areas.

Norman L'Esperance says it is important to get Town Council's input on this.

Dominic Cimina plan does not show 25 foot buffer, should be added to plan. Attorney Juliano said he will submit next week with 25 foot on plan.

Paul Checca 4 Ivy Rd abutter to proposed construction. Appreciate the green space. It will affect the water table, wildlife, seems like they are trying to bully their way into building this house. Neighbors are opposed. Even as a small house large trees, shrubs, bushes, wildlife affected and house should not be built.

Edwin Green 6 Hillside Ave, agrees with Mr. Checca. Driveway would be shared. Emily Rotundi is not the only one affected, he is as well. Resource area protected under Stoneham bylaw, isolated wetland, 25 foot no disturb zone, can't just shift the goal posts.

Jim Juliano is saying it is an isolated wetland with different characteristics and definitions, they are not shifting goal posts. Leah Basbane has supported this as an isolated wetland.

Bob Parsons if the bylaw did not cover this resource area, why was it not presented out 2 years ago.

Raymie Parker 42 Byron Rd wants Conservation Commission to be aware that the Board of Appeals voted against was stated by Mr. Saltzman that projects affect neighbors. If Conservation Commission can view Board of Appeals meeting it may be of benefit.

Bob Parsons want as a Commission to be respectful and fair, do not want to compromise bylaw. Will seek interpretation from Town Counsel. Public meetings and site walks are to hear public concerns.

Paul Checca 4 Ivy Rd asks if a bylaw were to change how would that work?

Bob Parsons responds always looking to improve on our bylaws. Town Meeting votes in, language was written by legal counsel and members of the Commission. We want to do what we are being asked to do by state and Town. Uphold Wetlands Protection Act and insure Stoneham bylaws to protect buffer zones and resource areas.

Motion to continue made by Alex Rozycki to 1/4/21 seconded by Dominick Cimina.

Roll call yes 6/0 Bob Parsons, Rob Fotino, Dominic Cimina, Bob Parsons, Alex Rozycki, Norman L'Esperance and Jessica Gerke

Jen to send BOA link to all

## **DISCUSSION ONLY:**

### **2 North Street**

Bear Hill Golf Course

Discussion of restoring impacted areas and tree plantings.

Continued until spring.

### **3 Daniel Drive**

*Joseph Penney*

DCR report

No update

### **Trees Conservation Land**

Whipple Ave, Brookbridge Rd, and Valley Rd trees to be removed

Calls received from residents. Ellen McBride drove by and they are huge trees. Brett Gonsalves met Jim Previte last Thursday at Brookbridge Rd. Wind storm hit area hard. 36-40" trees in Conservation area. Abutters concerned about trees that had come down. Plan to cut trees by hand into small pieces. Limited access to remove downed trees. 3 other trees that should come down that are dead, and close to the street. Will remove those trees. Cleanup area on Brookbridge side. 16 ½ Whipple thought looked fine. Homeowner wants additional trees removed, no additional action at this time. Jessica Gerke may need to write some tree education. Brett Gonsalves will follow up with Jim Previte about Valley Rd. when Jim Previte returns from vacation. Alex Rozycki important to have a policy on how to deal with downed trees on Conservation land. Wind storm preventative measures taken. Ellen McBride replies Jim Previte does exceptional job at keeping Town trees healthy.

Ellen McBride educating public on value of Conservation land.

Brett Gonsalves mentions habitat, organic decay, nature balance of trees and lifecycle. It is not pristine, it is costly to create that and we want to balance natural cycle.

### **Whip Hill**

*Jim Previte*

Ellen McBride no forward movement on Conservation agent, Jim Previte retiring conversation.

### **The Vale**

Project in Woburn update. Spoke to Winchester Conservation about 70+ acres project. Clear cutting 30 acres of land. As members of the Conservation Commission welcome to listen to Woburn Conservation Commission's deliberation. Sweetwater brook will be daylighted thru property. Sent letter to Woburn Conservation Commission about Mike Day and Jason Lewis letter of concern. Pollution and traffic impacts to Stoneham. Work as community of towns on important issue. Brett Gonsalves mentions he reached out to Woburn Commission as well, and will log on to tomorrow night's meeting for Woburn City Council so Stoneham knows impacts. Safety officer and traffic advisory committee would review impacts.

Alex Rozycki asks about Weiss Farm. Ellen McBride responds no update and has been appealed to Mass Housing. Want over 200 units, that has not yet been approved.

### **Approve Meeting Minutes November 16, 2020**

Motion to approve by Bob Parsons, seconded by Rob Fotino

**Roll call yes** Ellen McBride, Bob Parsons, Rob Fotino, Dominic Cimina, Bob Parsons, Alex Rozycki, Norman L'Esperance and Jessica Gerke **7/0**

### **Next Meeting January 4, 2021**

**Motion to adjourn by Domenick Cimina, seconded by Bob Parsons. Roll call :** Ellen McBride, Bob Parsons, Rob Fotino, Dominic Cimina, Bob Parsons, Alex Rozycki, Norman L'Esperance and Jessica Gerke **yes 7/0**